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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,326	12/19/2000	Seiji Nemoto	Q62363	2590

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EXAMINER
CREPEAU, JONATHAN

ART UNIT	PAPER NUMBER
1746	

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,326

Applicant(s)

NEMOTO, SEIJI

Examiner

Jonathan S. Crepeau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3 and 5-8 is/are allowed.
- 6) ☒ Claim(s) 2,4 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office action addresses claims 1-14 and newly added claim 15. Claims 1, 3, 5-8 and 15 are allowed. Claims 2, 4 and 9-12 contain allowable subject matter but are newly rejected under 35 USC §112, first paragraph. Claims 13 and 14 are newly rejected under 35 USC §102, as necessitated by amendment. Accordingly, this action is made final.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2, 4, and 9-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 2 has been amended to recited that "said input-output terminal is provided concavely from said battery body, and an inner face of said input-output terminal is threaded." It is the Examiner's position that there is not sufficient support for this language in the application as originally filed. The closest embodiment to this language is found in Figure 6B of the application, which discloses a concave input-output terminal (i.e., a jack). However, there is no disclosure or contemplation in the specification that this embodiment contains an

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inner face which is threaded. Accordingly, this language is considered to introduce new matter into the application.

Claim Rejections - 35 USC § 102

4. Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Roth et al (U.S. Patent 3,977,907). Regarding claims 13 and 14, Roth et al. teach a single input-output terminal (single-head jack) (13) disposed directly on a battery body (14). Regarding claim 1, the jack comprises positive and negative terminals (82, 94) which are insulated from each other (see Figs. 2-4 and col. 3, line 54 et seq.). An appliance (i.e., charger 86) is electrically connected to the jack in order to recharge the battery (see col. 4, line 14).

Thus, the instant claims are anticipated.

Allowable Subject Matter

5. Claims 1, 3, 5-8 and 15 are allowed.

6. Claim 2, 4 and 9-12 contain allowable subject matter as currently drafted, but are rejected under 35 USC §112, first paragraph herein.

7. The following is a statement of reasons for the indication of allowable subject matter:

The reasons for allowance of independent claims 7 and 8 were given in the Office action September 11, 2002 and remain applicable herein.

Claim 1 recites, among other features, that a tip surface of the input-output terminal has a concavity. Iwaizono et al (6,322,921), the closest prior art, does not teach or fairly suggest this feature. Accordingly, claim 1 is allowable.

Claim 2 recites, among other features, that the input-output terminal is provided concavely in the battery body and that an inner face of the terminal is threaded. Roth et al., the closest prior art, does not teach or fairly suggest that the inner surface of the jack is threaded. Accordingly, claim 2 contains allowable subject matter, as currently drafted.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Crepeau whose telephone number is (571) 272-1299. The examiner can normally be reached Monday-Friday from 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached at (571) 272-1302. The phone number for the organization where this application or proceeding is assigned is (571) 272-1700. Documents may be faxed to the central fax server at (703) 872-9306.

Jonathan Crepeau
Patent Examiner
Art Unit 1746
January 14, 2004

Bruce Bell
BRUCE F. BELL
PRIMARY EXAMINER
GROUP 1746